

## **REMARKS**

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed January 24, 2005. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 41 remain pending. In particular, Applicants amend claims 1, 2, 7, 12, 25, 28, 30 and 39. Reconsideration and allowance of the application and presently pending claims are respectfully requested. In addition, Applicant does not intend to make any admissions regarding any other statements in the Office Action that are not explicitly referenced in this response.

### **I. Examiner Interview**

Applicant first wishes to express his sincere appreciation for the time that Examiner Anwah spent with Applicant's Attorney Anthony Bonner during a telephone discussion on March 3, 2005 regarding the outstanding Office Action. During that conversation, Examiner Anwah seemed to indicate he recalled other references including similar functionality located in user equipment. Applicant makes amendments that more broadly express the separation between the TUI and the user equipment. Applicant respectfully requests that Examiner Anwah carefully consider this response and the amendments.

## **II. Claim 2 Remains Unchanged**

In a previous response claim 2 was listed with a typographical error. More specifically, claim 2 recited “[t]he method of Claim wherein...” In this response, Applicants return claim 2 to its original state to recite “[t]he method of claim 1, wherein...” Applicants submit that claim 2 is not being amended, but disclose this action to eliminate future confusion.

## **III. Rejections Under 35 U.S.C. §102**

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

### **A. Claims 1 – 41 are Patentable Over Son**

#### **1. Claim 1 is Patentable Over Son**

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to Son (“Son”). Applicants amend claim 1 to more fully describe patentable subject matter over the cited art. More specifically, claim 1, as amended now recites:

A telephone user interface (TUI) comprising:

first command mode logic for receiving a first command signal from a user in association with an option of a first menu structure of options, said first command mode having an active or inactive status, the first command signal being received after a call is connected;

second command mode logic for receiving a second command signal from the user in association with an option of a second menu structure of options, said second command mode having an active or inactive status, said options of said first menu structure logically associated with said options of said second menu structure, the second

command signal being received after the call is connected; and  
a command mode switch, functionally connected to both said first command mode logic, and said second command mode logic, said command mode switch responsive to said first and second command signals from the user, for toggling between said first command mode and said second command mode by switching one of said first command mode and said second command mode from said active status to said inactive status and by switching the remaining one of said first command mode and said second command mode from said inactive status to said active status,  
*wherein the TUI is situated separately from user equipment.*

*Son*, on the other hand discloses in column 15, line 26 “In step 484, the communication device enters the voice command mode.” Further, in column 5, line 5, *Son* states “Referring now to FIG. 1, the wireless communication device 100 includes a processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest “[a] telephone user interface (TUI)... *wherein the TUI is situated separately from user equipment*” as recited in claim 1, as amended. For at least this reason, claim 1, as amended is patentable over *Son*.

## **2. Claim 7 is Patentable Over *Son***

The Office Action indicates that claim 7 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to *Son* (“*Son*”). In response, Applicants amend claim 7 to more fully describe patentable subject matter. More specifically, claim 7, as amended recites:

A telephone user interface (TUI) comprising:  
voice-based command mode logic for receiving a vocalized command signal from a user in association with a voice option of a menu structure of voice options, said voice-based command mode having an active or inactive status, the vocalized command signal being received after a call is connected;  
tone-based command mode logic for receiving a tonal command signal from the user in association with a tone

option of a menu structure of tone options, said tone based command mode having an active or inactive status, said voice options logically associated with said tone options, the tonal command signal being received after the call is connected; and

a command mode switch, functionally connected to both of said voice-based command mode logic and said tone-based command mode logic, said command mode switch responsive to said vocalized and tonal command signals from the user, for toggling between said voice-based command mode and said tone-based command mode by switching one of said voice-based command mode and said tone-based command mode from said active status to said inactive status and by switching the remaining one of said voice-based command mode and said tone-based command mode from said inactive status to said active status,

*wherein the TUI is situated separately from user equipment.*

*Son*, on the other hand discloses in column 15, line 26 “In step 484, the communication device enters the voice command mode.” Further, in column 5, line 5, *Son* states “Referring now to FIG. 1, the wireless communication device 100 includes a processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest “[a] telephone user interface (TUI)... *wherein the TUI is situated separately from user equipment*” as recited in claim 7, as amended. For at least this reason, claim 7, as amended is patentable over *Son*.

### **3. Claim 12 is Patentable Over *Son***

The Office Action indicates that claim 12 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to *Son* (“*Son*”). In response, Applicants amend claim 12 to more fully describe patentable subject matter. More specifically, claim 12, as amended recites:

In a telephone user interface (TUI) comprising a tone-based command mode having a menu structure of tone options and a

voice-based command mode having a menu structure of voice options, wherein the tone options correspond to the voice options, a method for toggling among said tone-based and voice-based command modes, said method comprising the steps of:

- a. operating the TUI in a selected command mode;
- b. receiving a command signal from a user;
- c. in response to receiving a command signal from a user after a call is connected, activating the non-selected one of said tone-based and said voice-based command modes and disabling said selected command mode;
- d. operating the TUI in said non-selected command mode,

wherein the step of receiving the command signal from a user comprises *receiving the command from a communications device that comprises at least a part of user equipment situated separately from the TUI.*

*Son*, on the other hand discloses in column 15, line 26 “In step 484, the communication device enters the voice command mode.” Further, in column 5, line 5, *Son* states “Referring now to FIG. 1, the wireless communication device 100 includes a processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest “[i]n a telephone user interface (TUI)... a method comprising... receiving a control signal from a user wherein the step of receiving the command signal from a user comprises *receiving the command from a communications device that comprises at least a part of user equipment situated separately from the TUI,*” as recited in claim 12, as amended. For at least this reason, claim 12, as amended is patentable over *Son*.

#### 4. Claim 25 is Patentable Over *Son*

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to *Son* (“*Son*”). In response, Applicants amend claim 25 to more fully describe patentable subject matter. More

specifically, claim 25, as amended recites:

A computer-readable medium on which is stored a computer program for controlling a telephone user interface (TUI) comprising at least two command modes, each of said command modes adapted to having operation interrupted by toggling among said command modes, said computer program further comprising a database having control options for each of said command modes, each said control option of one of said command modes correlated to one of said control options of the other command mode, and said computer program comprising instructions which, when executed by a computer, perform the steps of:

- a. operating said TUI in a first one of said command modes;
- b. receiving a command signal from a user;
- c. interrupting said first command mode in response to receiving a command signal from a user to implement another of said command modes, the command signal being received after a call is connected; and
- d. in response to receiving said command signal from the user, activating a second of said command modes associated with said command signal,

wherein the step of receiving the command signal from a user comprises ***receiving the command from a communications device that comprises at least a part of user equipment situated separately from the TUI.***

*Son*, on the other hand discloses in column 15, line 26 “In step 484, the communication device enters the voice command mode.” Further, in column 5, line 5, *Son* states “Referring now to FIG. 1, the wireless communication device 100 includes a processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest “[i]n a telephone user interface (TUI)... a method comprising... receiving a control signal from a user wherein the step of receiving the command signal from a user comprises ***receiving the command from a communications device that comprises at least a part of user equipment situated separately from the TUI,***” as recited in claim 25, as amended. For at least this reason, claim 25, as amended is patentable over *Son*.

## 5. Claim 28 is Patentable Over Son

The Office Action indicates that claim 28 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to Son (“Son”). In response, Applicants amend claim 28 to more fully describe patentable subject matter. More specifically, claim 28, as amended recites:

In an integrated computer telephony system providing a telephone user interface (TUI), said TUI having a pair of command modes, a method for toggling between said command modes, comprising the steps of:

a. activating a first one of said command modes to control said TUI;

b. interrupting said first command mode in response to receiving a command signal from a user to activate a second one of said command modes, the command signal being received after a call is connected; and

c. in response to interrupting said first command mode, activating said second command mode associated with said command signal in place of said first command mode,

*wherein the TUI is situated separately from user equipment.*

*Son*, on the other hand discloses in column 15, line 26 “In step 484, the communication device enters the voice command mode.” Further, in column 5, line 5, *Son* states “Referring now to FIG. 1, the wireless communication device 100 includes a processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest “[i]n an integrated computer telephony system that includes a communications device that comprises at least a part of user equipment, providing a telephone user interface (TUI), said TUI having a pair of command modes, a method for toggling between said command modes... *wherein the TUI is situated separately from user equipment*” as recited in claim 28, as amended. For at least this reason, claim 28, as amended is

patentable over *Son*.

6. **Claim 30 is Patentable Over *Son***

The Office Action indicates that claim 30 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to Son (“*Son*”). In response, Applicants amend claim 30 to more fully describe patentable subject matter. More specifically, claim 30, as amended recites:

In a program module operating within a telecommunications system and having access to a TUI, said TUI having a pair of command modes for controlling said TUI and providing a plurality of options to be implemented through the telecommunications system, a method for controlling said command modes, comprising the steps of:

implementing one of the said command modes to initially control said TUI; and

in response to a command signal issued by a user after a call is connected, toggling, by said TUI, of said command modes wherein said toggling is initiated by interrupting the operation of one of said command modes while one of said command modes is controlling said TUI, activating the other of said command modes, and resuming control of said TUI while in the other of said command modes,

*wherein the TUI is situated separately from user equipment.*

*Son*, on the other hand discloses in column 15, line 26 “In step 484, the communication device enters the voice command mode.” Further, in column 5, line 5, *Son* states “Referring now to FIG. 1, the wireless communication device 100 includes a processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest “[a] method for controlling said command modes... *wherein the TUI is situated separately from user equipment*” as recited in claim 30, as amended. For at least this reason, claim 30, as amended is patentable over *Son*.



7. **Claim 39 is Patentable Over Son**

The Office Action indicates that claim 39 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,212,408 to Son ("Son"). In response, Applicants amend claim 39 to more fully describe patentable subject matter. More specifically, claim 39, as amended recites:

A computer system for toggling command modes of a telephone user interface (TUI) having a first command mode and a second command mode, said computer system comprising:

- a processing unit;
- a memory storage device operative to store a program implementing said TUI; and
- an interface device coupled to said processing unit for receiving a call,

said processing unit responsive to instructions in said program and being operative to:

- prompt for a command signal after a call is connected;
- activate said first command mode associated with said command signal;
- control said TUI while in said first command mode;
- interrupt said first command mode in response to receiving a subsequent command signal from a user to activate said second command mode associated with said subsequent command signal in place of said first command mode;
- and
- resume operation of said TUI by utilizing said second command mode,

wherein the call is connected with user equipment, *wherein the user equipment is situated separately from said computer system.*

*Son*, on the other hand discloses in column 15, line 26 "In step 484, the communication device enters the voice command mode." Further, in column 5, line 5, *Son* states "Referring now to FIG. 1, the wireless communication device 100 includes a

processor, a speaker 106...” As illustrated above, *Son* does not disclose, teach, or suggest a “computer system... comprising... a processing unit... being operative to...prompt a command signal after a call is connected... wherein the call is connected with user equipment, *wherein the user equipment is situated separately from said computer system,*” as recited in claim 39, as amended. For at least this reason, claim 39, as amended is patentable over *Son*.

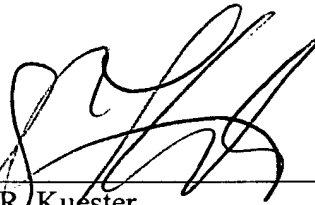
**B. Claims 40 and 41 are Patentable Over *Son***

In addition, dependent claims 40 and 41 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 39. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### CONCLUSION

Applicants submit that all claims are now in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JK', written over a horizontal line.

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